

DEC 15 2004

Docket No. 05369/00042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Brown, Dale G. EXAMINER: Manahan
SERIAL NO.: 10/613,692 GROUP: 3732
FILED: 3 July 2004 CONF. NO.: 3146
FOR: Non-Crystalline Saliva-Soluble Coatings for Elastomeric
Monofilament Dental Tapes

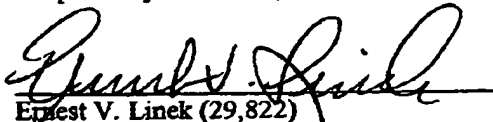
COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
FILED VIA FACSIMILE TO: (703) 872-9306 (19 Total Pages)

Sir:

FINAL REJECTION RESPONSE AND NOTICE OF APPEAL

In response to the Final Rejection issued 17 September 2004, please amend the attached copy of that application as follows in accordance with the amendments that follow.

Respectfully submitted,



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Date: 15 December 2004

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The present amendments were not submitted at an earlier date as the Examiner's rejections were believed to have been fully met by the amendments and remarks made in the response to the last Office Action. Thus, this response represents the Applicant's only opportunity to make the present amendments and remarks a part of the record in this application.

Entry is finally believed proper at this time because the amendments do not raise any new issues that would require further consideration and/or search, since they merely conform in scope to the claims already adequately and properly searched by the Examiner and they do not introduce any new matter.

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner in this application.

FEE AUTHORIZATION

Please charge all fees (excess claim fees, time extension fee, Notice of Appeal Fee) associated with this filing to our Deposit Account – No. 19-0733.

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this correspondence was submitted by facsimile in the USPTO on the date shown on Page 1.

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TERMINAL DISCLAIMER OVER U.S. PATENT NO. 6,609,527

Your Petitioner, International Tape Partners, LLC, hereby certifies that pursuant to the undersigned's review of the pertinent evidentiary documents involved herein, and to the best of the Petitioner's knowledge and belief, the entire right, title and interest in the above-identified application, as well as all patents referred to herein, is in the Petitioner seeking to take the present action. Petitioner is the sole owner of the above-identified continuation patent application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,609,527, of which Petitioner is also the sole owner.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,609,527 are

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Terminal Disclaimer
U.S.S.N. 10/613,692
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commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of U.S. Patent No. 6,609,527 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,609,527 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose full title is supplied below) is empowered to act on behalf of the organization.

FEE AUTHORIZATION

Please charge the Terminal Disclaimer Fee to Deposit Account No. 19-0733. Should any additional fees be required with this submission, or if any credit is due for over payment, the Commissioner is hereby authorized to access Deposit Account No. 19-0733 concerning the same.